

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 22-mj-576 (TNL)

DISTRICT OF MINNESOTA)
)
COUNTY OF HENNEPIN) ss. **FILED UNDER SEAL**

I, Sara Thomas, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am an investigative law enforcement officer of the United States within the meaning of section 3051 (a) of Title 18, United States Code, as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so employed since December of 2016. Prior to being employed by ATF, I was a Special Agent with the Georgia Bureau of Investigation, was so employed from 2007 to 2016. While with the GBI, I served as a Federal Task Force Agent with Homeland Security Investigation's Atlanta Office where I investigated federal juvenile sex trafficking, child exploitation and computer crime cases. During my work with the ATF, GBI, and HSI, I have participated in many investigations and the execution of many search warrants and arrest warrants that led to the seizure of illegally purchased or trafficked firearms, narcotics, books/ledgers indicating sales, computers, cell phones, and other items used to facilitate firearms and narcotics trafficking. I am currently assigned to ATF St. Paul Group IV Field Group in St. Paul, Minnesota. Prior to being assigned to the St. Paul Field Division, I was assigned to the Atlanta Field Division's Firearms Trafficking Group. I am charged with the investigation and enforcement of

violations of firearms laws and related violations that often go hand in hand with firearms offenses (such as drug-related offenses and firearms trafficking), and any other violations encountered in the course of my duties. I have experience in working investigations of federal firearms violations and have perfected federal firearms cases against a variety of defendants. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigation Training Program, the GBI Special Agent Academy, and the ATF Special Agent Basic Training Program.

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Daniel James HART, Jr., for possession of ammunition by a felon in violation of 18 U.S.C. § 922(g)(1).

PROBABLE CAUSE

a. *The Shooting of June 21, 2022.*

3. On Tuesday, June 21, 2022, I was contacted by the police department of Plymouth, Minnesota, to assist with a homicide investigation. During the investigation, I learned that Plymouth police officers responded to a shooting at Sami's Stop Gas Station, located at 9605 36th Avenue North, Plymouth, Minnesota, on Thursday, June 9, 2022, at approximately 8:25 p.m. A male, later identified as Marlon Lindley Pompey, had been fatally shot.

4. Plymouth officers obtained a state warrant for Sami's Stop surveillance video that captured the shooting. Exterior video showed a 2017 black BMW pull into

the gas station and park next to Pump 4. The driver, later identified as HART, exited the BMW and went into the gas station. HART was wearing light colored jeans, a white long sleeve shirt with a unique design on the right arm and back, a tan colored belt, a white and dark colored hat, light colored shoes, and blue surgical mask. He had long dreadlocks pulled into a low ponytail.



Fig. 1: A still shot from surveillance video, showing HART walking into the gas station.

5. Interior video surveillance showed HART approach the counter and pay for tobacco and gasoline using a credit card.



Fig. 2: A still shot from surveillance video, showing HART facing the counter.



Fig. 3: A still shot from surveillance video, showing HART at the counter with his back to the camera.

6. A Sami's Stop gas station employee provided Plymouth officers with a receipt for the purchase HART made. The receipt indicated that HART paid for tobacco and \$40.00 in prepaid gas. HART used a VISA credit card for the purchase. Officers obtained the credit card number and determined that it was issued by Comenity Capital Bank in Columbus, Ohio.

7. Exterior gas station surveillance video showed HART exit the gas station store after paying and return to Pump 4. On the way to the pump, a 2011 gray Chevrolet Suburban pulled into the gas station at a neighboring gas pump. Pompey was the driver of this vehicle. HART walked directly in front of Pompey's vehicle and looked into the Suburban, while walking to Pump 4. HART then pumped gas into his BMW, and leaned against the car.

8. Pompey exited the Suburban. Plymouth officers later interviewed Pompey's girlfriend, who was inside the vehicle with Pompey during the shooting. She stated that Pompey told her that HART was "looking at [Pompey] funny." She also told Officers that Pompey was acting paranoid.

9. Exterior gas station surveillance video showed HART and Pompey exchange looks. Pompey went into the gas station, then quickly returned to his vehicle. Pompey accessed the driver's side of the Suburban and appeared to be looking for something in the vehicle. Pompey's girlfriend later told Plymouth officers that Pompey was looking for a gun that he previously hidden in the vehicle.

10. At 8:24:08 p.m., exterior video footage showed HART raise a handgun in his right hand and shoot Pompey. HART then got into the BMW and drove off at a high rate of speed. The hose of the gas pump was still attached to the BMW when it sped off.



Fig. 4: A still shot from surveillance video, showing HART (near the dark-colored sedan) shoot Pompey (in the gray SUV).

11. Pompey was transferred to North Memorial Hospital and died from the gunshot wounds.

12. Plymouth police officers informed me that immediately prior to the shooting, HART was observed by Plymouth officers working at a nearby high school graduation of Armstrong High School. Armstrong High School is located at 10635 36th Avenue North, Plymouth, Minnesota, approximately 0.5 miles away from Sami's Stop gas station.

13. Plymouth officers obtained video surveillance from Armstrong High School and found a vehicle and driver that were visually consistent to the suspect involved in the shooting. Surveillance video showed a 2017 black BMW, model 740, bearing the Minnesota license plate 5BD597, pull into the high school parking lot at approximately 7:48 p.m. HART, wearing visually identical clothing as the homicide suspect, exited the BMW and walked toward the graduation.



Fig. 5: A still shot from Armstrong High School surveillance video, showing HART and the BMW.



Fig. 6: Still shots from Armstrong High Scholl surveillance video, showing HART and a graduate (redacted).

14. Video surveillance showed HART return to the BMW at approximately 7:59 p.m. A second male, known to law enforcement, wearing a black long sleeve shirt, pink vest, black pants and pink shoes, got into the BWM with HART. Video surveillance showed the man exit the BMW before HART left the parking lot.

15. Armstrong High School surveillance video showed Pompey's silver Suburban leave the school parking lot at approximately 8:15 p.m.

b. *Prior Incidents Involving the Suspect Vehicle.*

16. Plymouth officers queried Minnesota plate 5BD597 through law enforcement and public databases. Minnesota Department of Vehicle Services (DVS) records revealed that the vehicle was registered to a woman with the initials S.N.C. Plymouth officers determined that social media and prior contacts with law enforcement agencies indicated that S.N.C. was HART's girlfriend.

17. Plymouth officers determined that the BMW had been involved in several incidents since February of 2022. On each occasion, HART was the driver.

- a. On February 17, 2022, officers of the Shakopee Police Department conducted a traffic stop on the vehicle for excess speed and expired registration. HART was driving the vehicle.
 - b. On February 23, 2022, S.N.C. reported to the Prior Lake Police Department that HART took the vehicle and would not return it.
 - c. On May 19, 2022, officers of the Prior Lake Police Department conducted a traffic stop on the vehicle for not stopping at a stop sign. HART was driving the vehicle.
- c. *Social Media Accounts Associated with HART.*

18. A Plymouth Police Department crime analyst determined that HART's alias was "Dula" by examining other law enforcement agency reports. The analyst located an Instagram account (https://www.instagram.com/dulamonsta_2309) and YouTube account ("Dula Monsta" https://www.youtube.com/channel/UCD_1BO8tD-qZmHvBP9XYR4g) associated with HART.

19. The analyst located a "story" posted on the Instagram account on June 19, 2022. The story featured a picture of HART and the man in the pink vest and pink shoes who got into his car at the Armstrong High School graduation. The picture had the attached text "SHOT A VIDEO AND HAD A SHOOTOUT IN THE SAME SHIRT."



Fig. 6: A photograph posted on HART's Instagram account (redacted).

20. I located a video called "Smg Reeko ft Dula Monsta & Savo32k Worst Days Shot by @j.smithposted" uploaded to the YouTube "Dula Monsta" channel. The video was posted June 21, 2022, and showed HART singing/raping. HART was

wearing a visually identical shirt, hat, pants, belt and shoes as the date of the shooting.

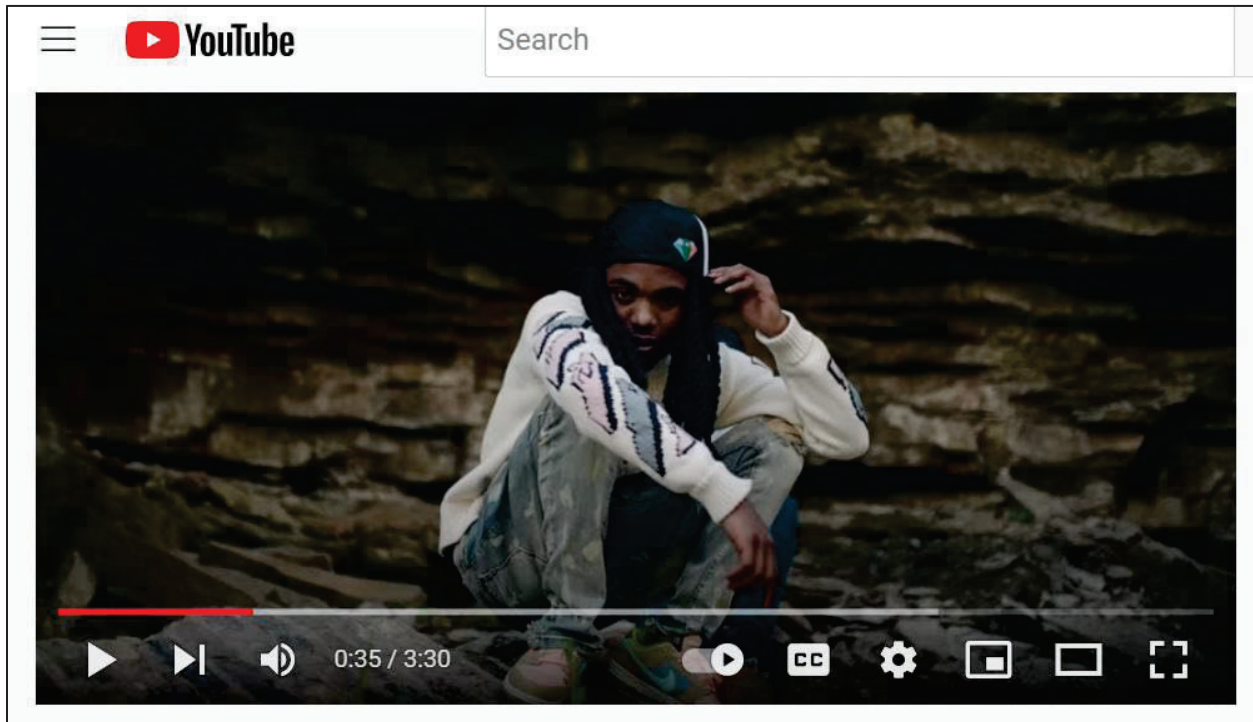


Fig. 7: A still shot from HART's YouTube channel.

d. *NCIC and MNCIS Queries.*

21. On July 12, 2022, I completed a review of HART's criminal history provided by the National Criminal Information Center (NCIC) and Minnesota Court Information System (MNCIS). I confirmed that HART had been convicted of a crime punishable in excess of one year. Conviction documents indicated that HART had been convicted of the following felony charges on June 9, 2022:

- a. First-Degree aggravated robbery and Second-Degree Assault with a Dangerous Weapon (Court Case 27-CR-15-24661); and
- b. Aiding an Offender / Accomplice after the Fact (Court case 27-CR-16-14712).

22. I note that in those prior convictions, HART received sentence of 48 months, and so would have known he had been convicted of a least one offense punishable by imprisonment for a term exceeding one year.

e. *Ammunition Interstate Nexus.*

23. Plymouth officers located three 9mm caliber shell casings on the ground in the proximity of Pump 4. The shell casings indicate that the ammunition consisted of one round of Companhia Brasileira de Cartuchos (CBC) S.A. 9mm ammunition, one round of Remington – Peters (R – P) 9mm ammunition, and one round of Sig Sauer 9mm ammunition.

24. The ammunition has been reviewed by an ATF interstate nexus expert, who determined that the ammunition was not manufactured in the State of Minnesota, and therefore necessarily traveled in interstate commerce to have been in Minnesota on June 9, 2022.

25. At my request, Plymouth officers queried Plymouth Police Department databases and confirmed that no other shootings had taken place at Sami's Stop, and no reports of shots being fired in that area had been made in 2022.

CONCLUSION

26. Based on the foregoing, there is probable cause to believe HART committed the offense of possession of ammunition as a felon, in violation of 18 U.S.C. § 922(g)(1).

Further your Affiant sayeth not.

Respectfully submitted,



SARA THOMAS
ATF Special Agent

SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime and
email pursuant to Fed. R. Crim. P. 41(d)(3) on

This 15th day of July, 2022.



TONY N. LEUNG
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MINNESOTA